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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,600	05/02/2005	Tomoyuki Miyake	63336(48882)	4534

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EXAMINER	
AGUSTIN, PETER VINCENT	
ART UNIT	**PAPER NUMBER**
2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,600	MIYAKE, TOMOYUKI	
	Examiner	Art Unit	
	P. Agustin	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-8 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 02 May 2005 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This application is a 371 of PCT/JP03/14098, filed November 5, 2003.

2. Claims 1-8 are now pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 1 is objected to because of the following informalities:

Claim 1, line 5: "an optical disk" should be --the optical disk--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-6 & 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the optical pickup" in line 9. It is not clear whether this refers to the "one of the optical pickups" (line 6) or the "other of the optical pickups" (line 8), rendering the claim indefinite.

Claims 2-6 & 8 are dependent upon claim 1.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Okano et al. (JP 06-131681) (please refer to the machine translation).

In regard to claim 1, Okano et al. disclose an optical disk drive device (Drawing 1), comprising: at least two optical pickups (10 & 11) that are arranged so as to reproduce the same surface of an optical disk (3); a guiding means (4 & 5) for each optical pickup for moving the optical pickups in the radial direction of an optical disk (3); a tilt detecting means (Drawing 2, element 14) provided on at least one of the optical pickups (10) for detecting the tilt of the optical disk; and a tilt correcting means (13 & 13a), provided on at least the other of the optical pickups (11) for adjusting the tilt of a laser light axis from the optical pickup with respect to the optical disk, in accordance with a detection result of the tilt detecting means; wherein detection

of the tilt of the optical disk is performed by the tilt detecting means on the one of the optical pickups (paragraph 0012: "the tilt sensor 14 is being fixed only to the 1st pickup 10"), and recording or reproduction of the optical disk, and adjustment of the tilt of the laser light axis from the optical pickup by the tilt correcting means is performed on the other of the optical pickups (patent claim 1, line 4: "the 2nd pickup which reads a signal"; and lines 6-7: "the 2nd inclination driving means").

In regard to claim 2, Okano et al. disclose that the position of the guide means (5) of the other optical pickup (11) is adjusted and fixed with respect to a disk receiving surface of a turntable (patent claim 1, lines 7-8: "makes said 2nd pickup incline to said 2nd support base"), such that the tilt of the laser light axis from the other optical pickup on which the tilt detecting means is provided is 0 (zero) with respect to the disk receiving surface of the turntable onto which the optical disk is loaded (paragraph 0017, lines 1-2: "a tilt angle being adjusted so that disk each side and an optical axis may cross at right angles").

In regard to claim 3, Okano et al. disclose that the optical pickups (10 & 11) are moved in the radial direction of the optical disk by the respective guiding means (4 & 5), wherein the one optical pickup (10) that is provided with the tilt detecting means (14) is moved ahead (as shown by the arrows in Drawing 1) of the other optical pickup (11) that is provided with the tilt correcting means (13 & 13a); and wherein in the same position in the radial direction of the optical disk, detection of the tilt of the optical disk by the tilt detecting means (14) of the one optical pickup (10) is performed ahead (as shown by the arrows in Drawing 1) of adjustment of the tilt of the laser light axis from the other optical pickup (11) by the tilt correcting means (13 & 13a).

In regard to claim 4, Okano et al. disclose that the one optical pickup (10) that is provided with the tilt detecting means (14) is moved in the radial direction of the optical disk by the guiding means (4) to detect the tilt of the optical disk by the tilt detecting means while initial settings relating to recording or reproduction of the optical disk are performed (patent claim 1, line 4: "reads a signal", and line 10: "allotted to focusing") on the other optical pickup (11) side that is provided with the tilt correcting means (13 & 13a).

In regard to claim 5, Okano et al. disclose a memory for storing at least tilt information about the tilt of the optical disk that is detected by the tilt detecting means (see paragraph 0017, lines 1-8).

In regard to claims 6 & 8, Okano et al. disclose a memory for storing tilt information about the tilt of the optical disk that is detected by the tilt detecting means, and radial position information about the radial position of the optical disk in which at least the one optical pickup is moved in the radial direction of the optical disk by the guiding means; wherein at least during recording or reproduction of the optical disk, the tilt information and the radial position information of the optical disk are stored and held in the memory (see paragraph 0017, line 1: "tilt angle", line 4: "playback location", and line 8: "memory").

In regard to claim 7, Okano et al. disclose a method for correcting tilt of an optical pickup, the method comprising: a step of performing recording or reproduction of an optical disk (Figure 1, element 3) by a first optical pickup (11) while moving the first optical pickup in the radial direction of the optical disk, and of detecting the position of the first optical pickup in the radial direction of the optical disk; a step of moving a second optical pickup (10) to the position, or the vicinity of the position, of the first optical pickup (11) that was detected (paragraph 0017,

lines 4-5: "the playback location of both pickup at the time of this playback turns into the same radius location of a disk"), and of detecting the tilt (performed by element 14) of the optical disk on the side of the second optical pickup (10); and a step of adjusting the tilt (performed by elements 13 & 13a) of a laser light axis from the first optical pickup (11), in accordance with the tilt of the optical disk that was detected.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Opheij et al. (US 4,918,679) disclose an optical memory disc scanned using two separate scanning heads.

Hayashi et al. (US 5,703,856) disclose reducing coma resulting from an inclination of the optical disk.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. Agustin
Art Unit 2627

BRIAN E. MILLER
PRIMARY EXAMINER